



PATENT
Customer No. 22,852
Attorney Docket No. 05725.0321-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Bertrand PIOT et al.)
Application No.: 09/866,731) Group Art Unit: 1617
Filed: May 30, 2001) Examiner: G. Yu
For: MASCARA COMPRISING A)
MIXTURE OF HARD WAXES AND)
FILM-FORMING POLYMER)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, L'Oréal S.A. ("Assignee"), duly organized under the laws of France and having its principal place of business at 14 Rue Royale, 75008 Paris, France, through its attorneys, represents that it is the assignee of the entire right, title and interest in and to the instant Application No. 09/866,731, filed May 30, 2001, in the names of Bertrand PIOT, Daniele DEBERT, and Sophie BODELIN-LECOMTE, which is a continuation of Application No. 09/217,991, now U.S. Pat. No. 6,274,131, and which is assigned to the Assignee by assignment duly recorded in the United States Patent and Trademark Office at Reel 09924, Frame 0942, on April 22, 1999.

Assignee, through its attorneys, further represents that it is the assignee of the entire right, title, and interest in and to U.S. Pat. No. 6,274,131, issued in the names of

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Bertrand PIOT, Daniele DEBERT, and Sophie BODELIN-LECOMTE, by assignment duly recorded in the United States Patent and Trademark Office at Reel 09924, Frame 0942, on April 22, 1999.

Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified Application No. 09/866,731 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Pat. No. 6,274,131. Assignee hereby agrees that any patents so granted on the instant application shall be enforceable only for and during such period that it and U.S. Pat. No. 6,274,131 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Pat. No. 6,274,131, as presently shortened by any terminal disclaimer, in the event that U.S. Pat. No. 6,274,131 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, and/or is in any manner terminated prior to the expiration of the full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer. If a check for the required fee is not

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filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If any fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: July 25, 2003

By: Thalia V. Warnement
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